

**COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515**

**STATEMENT OF
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CHAIRMAN**

**before the
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND THE
GLOBAL ENVIRONMENT**

“Oversight on the Compact of Free Association with the Republic of the Marshall Islands (RMI): Medical Treatment of the Marshallese People, U.S. Nuclear Tests, Nuclear Claims Tribunal, Forced Resettlement, Use of Kwajalein Atoll for Missile Programs and Land Use Development”

May 20, 2010

From 1946 to 1958, the United States conducted 67 atmospheric nuclear tests in the Marshall Islands to further national security interests. Those tests also destroyed the homes and the lives of hundreds of Marshallese people whose islands remained part of a U.S.-administered, U.N. Trust Territory of the Pacific Islands. Today, more than a half century later, the people of the Republic of the Marshall Islands still await adequate redress from the United States for the harm they suffered.

The United States accepted responsibility for the problems caused by the tests in 1986 when RMI entered into a Compact of Free Association with the United States. Section 177 of the Compact makes it clear that the United States recognizes its responsibility to “address past, present and future consequences of the Nuclear Testing Program, including the resolution of resultant claims.” The United States authorized \$150 million under Section 177 and additional ex gratia assistance under sections 103, 105 and 224 of the Compact in order to settle such claims, which were to be determined by a Nuclear Claims Tribunal. Under the Compact, RMI could also seek additional compensation if “changed circumstances” rendered the settlement “manifestly inadequate.”

The Nuclear Claims Tribunal determined a settlement amounting to \$2.2 billion. Yet, only a fraction of a percent of that has actually been awarded because the fund created to cover the NCT recommendation proved grossly inadequate. When RMI filed a changed circumstances petition to gain appropriate compensation from Congress, the

previous administration either never bothered to address the problem or simply opposed the petition based on its contention that the settlement provided in the Compact was “full and final.” No further action was taken on the petition. And last month, in response to a suit for just compensation filed by the people of Bikini and Enewetak in the U.S. Court of Claims, the Supreme Court declined to review the case, upholding the lower court’s dismissal of the suit.

The lack of action by the United States became into especially sharp focus earlier this month, when the President’s Cancer Panel concluded, “the U.S. has not met its obligation to provide for ongoing health needs of the people of the Republic of the Marshall Islands resulting from radiation exposures they received during U.S. nuclear weapons testing in the Pacific from 1946-1958.” The Panel went on to recommend to President Obama that “The U.S. Government should honor and make payments according to the judgment of the Marshall Islands Tribunal.” Unless that recommendation is followed, options may be limited to a Congressional reference case, which we will discuss today, though I hope this hearing also helps spur other good ideas.

Another key issue we will discuss today is a recent rush to move the people of Rongelap back to their Atoll – before it is fully safe to return, and in the shadow of a shameful history of previous attempts to resettle the Marshallese people on contaminated islands. As detailed in a series of important articles by Thomas Maier in *Newsday* last year, the people of Rongelap were resettled on their land in 1957 – until they fled again in 1985 – because the doctors from Brookhaven National Labs who treated them allowed their “primary responsibility to address medical concerns [of the Marshallese to be] trumped by the goal of studying the effects of nuclear radiation on the human body.” In other words, these doctors spent more time studying the effects of nuclear exposure upon the Marshallese people than giving them proper medical treatment, behavior that was absolutely shameful and without justification.

How could these doctors abandon their most consequential responsibility? I believe a 1956 statement made by Mr. Merrill Eisenbud, a senior Atomic Energy Commission official, regarding information that might be gleaned in resettling the people of Utrik is revealing. “Now, data of this type has never been available,” he said. “While it is true that these people do not live the way westerners do, civilized people, it is nonetheless also true that they are more like us than the mice.”

The United States has obviously made dramatic progress in reducing such blatant racism over the past half century. But when it comes to the people of the Marshall Islands, our failure to treat them justly, to honor their sacrifices and now to push them to return to contaminated lands harkens back to an uglier period in our history. The U.S. continues to ignore and treat with indifference the 12,000 Marshallese men, women and children who currently live in squalid and horrible conditions on the tiny island of Ebeye – only 66 acres of barren land – so that the U.S. government can operate its missile testing facility on the nearby island of Kwajalein.

The United States regards the Ronald Reagan Ballistic Missile Defense Test Site on Kwajalein as vital to our national security. Yet our government has not met the most basic needs of the Marshallese people displaced so we could build the facilities. We need to do better for the people of Kwajalein, just as we need to do better for the Marshallese people harmed by our nuclear testing.

I hope that today's hearing and briefing moves us toward meeting our obligations and keeping our promises. We have a new Administration in office, one that is committed to reducing the threat posed by nuclear weapons and addressing their broadest impacts. I think it is particularly appropriate, then, that we convene this hearing just after the Obama Administration's "nuclear spring," and while the Review Conference of the Nuclear Non-Proliferation Treaty proceeds. To his credit, President Obama has done more in the past two months to advance the goal of a nuclear weapons-free world than his predecessors did over the previous 30 years.

President Obama's important accomplishments – devising a new U.S. nuclear strategy, completing a nuclear arms control agreement with Russia, convening the Nuclear Security Summit agreement and supporting the South Pacific Nuclear-Weapon-Free Zone Treaty – deserve our support and appreciation. But if we are to address the full range of problems posed by nuclear weapons, we must also deal with the tragic legacy of our nuclear tests in the Marshall Islands.

It is my understanding that at a hearing yesterday in the Senate Energy and Natural Resources Committee, which covered legislation on the Marshall Islands, the Department of Interior indicated that it did not support the \$2 million authorization for medical treatment in the proposed bill. Perhaps our friends from the Office of Insular Affairs at the Department of Interior will elaborate further on this today.

All of us here need to be reminded that for some 12 years at the height of the Cold War – over 60 years ago now – the people of the Marshall Islands sacrificed their lives, their property and their islands so the United States could conduct nuclear testing. Those tests caused tremendous suffering among Marshallese men, women and children. As a result of severe exposure to nuclear fallout, Marshallese women gave birth to babies with no legs or arms, and all the people of the Marshall Islands experienced a high incidence of leukemia and thyroid cancer.

Our nation owes these people far better treatment than we have given them. But this is not about money. It is about equity and fairness for the sacrifices they made to allow this country's nuclear testing program to continue, a program which was critical for our national defense. I sincerely hope that as a result of this hearing, we will find a way to seriously address the many problems that the Marshallese people have suffered with for so long.